

Amendments to the Drawings

The attached two (2) sheets of drawings include changes to FIGS. 1 and 2. These sheets, which include FIGS. 1 – 3, replace the original sheets including FIGS. 1 - 3. In FIG. 1, element number 362 was changed to 361, and some errant lines were removed. In FIG. 2, element number 64 was changed to 46. These changes do not add new matter and are supported by the present application. Two (2) annotated sheets with marked up versions of the drawings are attached herewith.

Attachments: Replacement Sheets
Annotated Sheets Showing Changes

REMARKS

Status

Claims 1-36, 38 and 39 were pending in this application. In this response, no claims have been added, claim 11 has been cancelled, and all of the remaining claims have been amended. The amendment to claim 1 does not add new matter and is support by the present application. *See*, claim 11 (now cancelled); *see also* ¶¶ 59 and 61-67. The amendments to claims 12-14 are to correct claim dependencies. Finally, all of the claims have been amended to replace the word “arrangement” with “apparatus,” as suggested by the Examiner.

Accordingly, claims 1-10, 12-36, 38 and 39 are presently pending in this application.

In the Office Action, the drawings were objected to. Applicant submits that, as explained above, the objected to portions of the drawings have been corrected. *See*, Amendments to the Drawings, and Appendix. Accordingly, Applicant submits that this objection has been properly overcome.

In addition, claims 1-39 were objected based upon the term “arrangement” in the claims. As noted above, Applicant has amended the claims to replace the word “arrangement” with “apparatus,” as suggested by the Examiner. Accordingly, Applicant submits that this objection has been properly overcome.

Finally, claims 1-36, 38 and 39 were rejected as follows:

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH (US 6,394,796) in light of EICH (US 4,712,014);

Claims 7-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH and EICH, as applied above, and further in view of FEROCE (European Patent No. 0851193);

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH, EICH, FEROCE, as applied above, and further in view of BAUER (U.S. 5,871,236);

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH, EICH, and FEROCE, and further in view of BRAMM (US 4,763,032);

Claims 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH, EICH, and FEROCE, as applied above, and in further light of POWELL (US 4,958,306);

Claims 16-21, 24 and 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH and EICH and further in view of (BUBLEY, US 4,646,446) and COLEMAN (US 3,790,801);

Claims 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH (US 6,394,796) in light of EICH (US 4,712,014);

Claims 38-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH and EICH and further in view of (BUBLEY, US 4,646,446) and COLEMAN (US 3,790,801);

Claims 22 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH, EICH, BUBLEY and COLEMAN, as applied above, and further in light of TERASHI (US 5,532,043) and DAVENPORT (US 5,101,325); and,

Claims 25-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SMITH, EICH, BUBLEY and COLEMAN, as applied above and further view of FOLSOM (US 4,111,753).

Applicant respectfully traverses the rejections and requests reconsideration of same in light of the following comments and the above claim amendments.

Argument

As noted above, claim 1 now includes, amongst other things, the limitations of claim 11 (now cancelled). With respect to claim 11, the rejection of same, as indicated above, was premised upon a combination of prior art with FEROCE (European Patent No. 0851193).

Applicant agrees with the assessment that FEROCE does not explicitly specify the position of the measuring station. However, Applicant traverses the Office Action's assertion that FEROCE inherently discloses of the measuring station being placed upstream from the emitters "in order for the sensor to send a signal to the control system to adjust the emitters."

In the device disclosed in FEROCE it is indeed not important whether the measuring station is located in front of, behind or at the same horizontal position as the emitters. This is because the entire apparatus of FEROCE passes along the vehicle body twice. FEROCE, col. 3, line 50 to column 4, line 2. In relying on inherent disclosures, it is proper to take into account the specific teachings of the reference. MPEP § 2144.01. During the first path the ultrasonic sensor of FEROCE determines the exact shape and configuration of the vehicle body to be dried. Then

the apparatus changes its direction, returns to the opposite end of the vehicle body and begins with the second path. On the second path, the heating panels are now adjusted on the basis of the signals produced by the ultrasonic sensor during the first path. Although in the apparatus of FEROCE the spatial data are measured and the coating is hardened sequentially as claimed, this cannot be achieved without changing the transport direction, and there is no suggestion or motivation to modify the apparatus differently.

Accordingly, Applicant submits that FEROCE does not inherently disclose a measuring station being placed upstream from the emitter.

Moreover, even if a person of ordinary skill in the art had considered modifying the prior art references and using a fixed apparatus and to convey the vehicle body along the apparatus, this would not have resulted in the apparatus as claimed. Specifically, even then the overhead gantry 10 of FEROCE must be passed twice by the vehicle body because (assuming that the ultrasonic sensor is located in front of the heating panels) the time between measuring the exact shape and configuration of the vehicle body and adjusting the heating panels would be too short.

Rather, by locating the measuring station sufficiently far away upstream the emitter as it is shown in figure 1 of the present application (reference numeral 19 and scanners 80) there is sufficient time to process the measuring data and to adjust the at least one emitter so that once the vehicle body passes along the emitter, it will be in a correct position to harden the coating applied on the vehicle body. By avoiding the reversal of the transport direction, as it is necessary with the apparatus of FEROCE, the claimed apparatus significantly increases the throughput.

Finally, Applicant submits that amended claim 1 includes in the limitation “wherein the apparatus is configured to measure the spatial data and to harden the coating sequentially without changing the transport direction.” *See* claim 1, *supra*. As noted above, the device in FEROCE changes its direction. *See, supra*. Accordingly, even if the devices of the prior art were modified as suggested, there are still further limitations that are not disclosed or suggested by the prior art.

Accordingly, based upon the above, Applicant submits that claim 1 is patentable over the prior art, as it is neither disclosed or suggested by the cited prior art.

Moreover, Applicant submits that claims 2-10, 12-36, 38 and 39 are patentable as well, as they depend from a patentable claim.

CONCLUSION

In view of the above, it is submitted that the present application is in condition for issuance and a notice of allowance is respectfully solicited.

If any additional fees are required with this correspondence, the Commissioner is authorized to debit our Deposit Account 50-0545.

Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Dated: March 17, 2010

Respectfully Submitted,

/Patrick J. Smith/
Patrick J. Smith, Reg. No. 65,626
One of the Attorneys for the Applicants